

SENATE AMENDMENTS

2nd Printing

By: Reynolds

H.B. No. 2381

A BILL TO BE ENTITLED

AN ACT

relating to the appointment and duties of election officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 32.002, Election Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) The presiding judge and alternate presiding judge must be affiliated or aligned with different political parties, subject to this subsection. Before July of each year in a county to which Subsection (a)(1) applies or before August of each year in a county to which Subsection (a)(2) applies, the county chair of a political party whose candidate for governor received the highest or second highest number of votes in the county in the most recent gubernatorial general election shall submit in writing to the county clerk [~~commissioners court~~] a list of names of persons in order of preference for each precinct who are eligible for appointment as an election judge. The county chair may supplement the list of names of persons until the 20th day before a general election or the 15th day before a special election in case an appointed election judge becomes unable to serve. The county clerk shall prepare for the commissioners court a list of persons whose names were submitted by the county chairs and who are eligible to serve as election judges. The commissioners court shall appoint the first person who meets [~~meeting~~] the applicable eligibility

1 requirements from the list prepared by the county clerk and whose
2 name was submitted in compliance with this subsection by the party
3 with the highest number of votes in the precinct as the presiding
4 judge and the first person who meets [~~meeting~~] the applicable
5 eligibility requirements from the list prepared by the county clerk
6 and whose name was submitted in compliance with this subsection by
7 the party with the second highest number of votes in the precinct as
8 the alternate presiding judge. If the candidates for governor of
9 two political parties received the same number of votes in the
10 precinct, the first person who meets [~~meeting~~] the applicable
11 eligibility requirements from the list prepared by the county clerk
12 and whose name was submitted by the party whose candidate for
13 governor received the highest number of votes in the county shall be
14 appointed as the presiding judge and the first person who meets
15 [~~meeting~~] the applicable eligibility requirements from the list
16 prepared by the county clerk and whose name was submitted by the
17 party whose candidate for governor received the second highest
18 number of votes in the county shall be appointed as the alternate
19 presiding judge. The county clerk [~~commissioners court~~] may
20 reject any person from the list if the person is [~~persons whose~~
21 ~~names are submitted on the list are~~] determined not to meet the
22 applicable eligibility requirements.

23 (c-1) Judges of countywide polling places established under
24 Section 43.007 must be appointed in compliance with Subsection (c)
25 from the persons whose names were submitted for appointment by the
26 county chairs in a manner that provides equitable representation,
27 except that the commissioners court and county clerk are not

1 required to make the appointments based on specific polling
2 locations, a judge is not required to serve in a polling place
3 located in the precinct in which the judge resides, and more than
4 one presiding judge or alternate presiding judge may be selected
5 from the same precinct to serve in polling places not located in the
6 precinct in which the judges reside. The county clerk may submit,
7 and the commissioners court may preapprove, the appointment of more
8 presiding judges or alternate presiding judges than necessary to
9 fill available positions. The county clerk may select an
10 individual whose appointment was preapproved to fill a vacancy in a
11 position that was held by an individual from the same political
12 party. Nothing in this subsection precludes a county clerk from
13 placing an election officer at a countywide polling place based on
14 the need for services at that location.

15 SECTION 2. Section 32.006(a), Election Code, is amended to
16 read as follows:

17 (a) The county chair of a political party holding a primary
18 election shall appoint for each primary [~~with the approval of the~~
19 ~~county executive committee,~~] the judges for each precinct in which
20 the election will be held in the county and fill any vacancy that
21 occurs in the position of presiding judge or alternate presiding
22 judge.

23 SECTION 3. Section 32.009(d), Election Code, is amended to
24 read as follows:

25 (d) A notice to a presiding judge must state the name, ~~and~~
26 address, and any available telephone number and e-mail address of
27 the alternate, and a notice to an alternate must state the name,

1 ~~[and]~~ address, and any available telephone number and e-mail
2 address of the presiding judge.

3 SECTION 4. Subchapter A, Chapter 32, Election Code, is
4 amended by adding Section 32.012 to read as follows:

5 Sec. 32.012. PROVISION OF INFORMATION RELATING TO ELECTION
6 JUDGES APPOINTED BY COMMISSIONERS COURT. (a) After the
7 commissioners court appoints a presiding election judge and an
8 alternate presiding judge, the county clerk shall provide to the
9 county chair of each political party that submitted names for
10 appointment the appointment list that includes each appointed
11 judge's name, residence precinct, appointment location, address,
12 and any available telephone number and e-mail address.

13 (b) The appointment list must be provided in writing.

14 SECTION 5. Section 85.009(b), Election Code, is amended to
15 read as follows:

16 (b) Before July of each year, the county chair of each
17 political party holding a primary election in the county shall
18 submit in writing to the county clerk a list of names of persons in
19 order of preference for each early voting polling place who are
20 eligible for selection as an election officer. The county chair
21 may supplement the list of names of persons until the 30th day
22 before early voting begins in case an appointed election officer
23 becomes unable to serve. The county clerk shall appoint the first
24 person meeting the applicable eligibility requirements from the
25 list submitted in compliance with this subsection by the party with
26 the highest number of votes in the county as the presiding judge
27 ~~[election officer]~~ of that polling place and the first person

1 meeting the applicable eligibility requirements from the list
2 submitted in compliance with this subsection by the party with the
3 second highest number of votes in the county as the alternate
4 presiding judge [~~election officer~~] of that polling place. The
5 county clerk shall appoint additional election officers for each
6 polling place in the manner described by Subsection (a). The
7 county clerk may reject the list if the persons whose names are
8 submitted on the list are determined not to meet the applicable
9 eligibility requirements.

10 SECTION 6. Subchapter A, Chapter 85, Election Code, is
11 amended by adding Section 85.0091 to read as follows:

12 Sec. 85.0091. EARLY VOTING ELECTION OFFICERS FOR PRIMARY
13 ELECTIONS. (a) The early voting clerk shall select election
14 officers for a primary election for the main early voting polling
15 place and any branch polling place in the manner that Section 85.009
16 provides for the county clerk to select officers from the
17 appropriate political party, except that the early voting clerk
18 shall prescribe the deadline by which county chairs must submit
19 names of persons eligible to serve as election officers.

20 (b) This section does not apply to a joint primary governed
21 by Section 172.126.

22 SECTION 7. Sections 32.006(b), 32.010, and 32.0511(d),
23 Election Code, are repealed.

24 SECTION 8. This Act takes effect September 1, 2015.

ADOPTED

MAY 27 2015

Atay Law
Secretary of the Senate

By: Rodriguez

H.B. No. 2381

Substitute the following for H.B. No. 2381:

By: Zaffrini

C.S. H.B. No. 2381

A BILL TO BE ENTITLED

AN ACT

1 relating to the appointment and duties of election officers.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

3 SECTION 1. Section 32.002, Election Code, is amended by
4 amending Subsection (c) and adding Subsection (c-1) to read as
5 follows:
6

7 (c) The presiding judge and alternate presiding judge must
8 be affiliated or aligned with different political parties, subject
9 to this subsection. Before July of each year in a county to which
10 Subsection (a)(1) applies or before August of each year in a county
11 to which Subsection (a)(2) applies, the county chair of a political
12 party whose candidate for governor received the highest or second
13 highest number of votes in the county in the most recent
14 gubernatorial general election shall submit in writing to the
15 county clerk [~~commissioners court~~] a list of names of persons in
16 order of preference for each precinct who are eligible for
17 appointment as an election judge. The county chair may supplement
18 the list of names of persons until the 20th day before a general
19 election or the 15th day before a special election in case an
20 appointed election judge becomes unable to serve. The county clerk
21 shall prepare for the commissioners court a list of persons whose
22 names were submitted by the county chairs and who are eligible to
23 serve as election judges. The commissioners court shall appoint the
24 first person who meets [~~meeting~~] the applicable eligibility

ADDED

11/11/11



1 requirements from the list prepared by the county clerk and whose
2 name was submitted in compliance with this subsection by the party
3 with the highest number of votes in the precinct as the presiding
4 judge and the first person who meets [~~meeting~~] the applicable
5 eligibility requirements from the list prepared by the county clerk
6 and whose name was submitted in compliance with this subsection by
7 the party with the second highest number of votes in the precinct as
8 the alternate presiding judge. If the candidates for governor of
9 two political parties received the same number of votes in the
10 precinct, the first person who meets [~~meeting~~] the applicable
11 eligibility requirements from the list prepared by the county clerk
12 and whose name was submitted by the party whose candidate for
13 governor received the highest number of votes in the county shall be
14 appointed as the presiding judge and the first person who meets
15 [~~meeting~~] the applicable eligibility requirements from the list
16 prepared by the county clerk and whose name was submitted by the
17 party whose candidate for governor received the second highest
18 number of votes in the county shall be appointed as the alternate
19 presiding judge. The county clerk [~~commissioners court~~] may
20 reject any person from the list if the person is [~~persons whose~~
21 ~~names are submitted on the list are~~] determined not to meet the
22 applicable eligibility requirements.

23 (c-1) Judges of countywide polling places established under
24 Section 43.007 must be appointed in compliance with Subsection (c)
25 from the persons whose names were submitted for appointment by the
26 county chairs in a manner that provides equitable representation,
27 except that the commissioners court and county clerk are not

1 required to make the appointments based on specific polling
2 locations, a judge is not required to serve in a polling place
3 located in the precinct in which the judge resides, and more than
4 one presiding judge or alternate presiding judge may be selected
5 from the same precinct to serve in polling places not located in the
6 precinct in which the judges reside. The county clerk may submit,
7 and the commissioners court may preapprove, the appointment of more
8 presiding judges or alternate presiding judges than necessary to
9 fill available positions. The county clerk may select an
10 individual whose appointment was preapproved to fill a vacancy in a
11 position that was held by an individual from the same political
12 party. Nothing in this subsection precludes a county clerk from
13 placing an election officer at a countywide polling place based on
14 the need for services at that location.

15 SECTION 2. Section 32.006(a), Election Code, is amended to
16 read as follows:

17 (a) The county chair of a political party holding a primary
18 election shall appoint for each primary~~[, with the approval of the~~
19 ~~county executive committee,~~] the judges for each precinct in which
20 the election will be held in the county and fill any vacancy that
21 occurs in the position of presiding judge or alternate presiding
22 judge.

23 SECTION 3. Section 32.009(d), Election Code, is amended to
24 read as follows:

25 (d) A notice to a presiding judge must state the name, [and]
26 address, and any available telephone number and e-mail address of
27 the alternate, and a notice to an alternate must state the name,

1 ~~and~~ address, and any available telephone number and e-mail
2 address of the presiding judge.

3 SECTION 4. Subchapter A, Chapter 32, Election Code, is
4 amended by adding Section 32.012 to read as follows:

5 Sec. 32.012. PROVISION OF INFORMATION RELATING TO ELECTION
6 JUDGES APPOINTED BY COMMISSIONERS COURT. (a) After the
7 commissioners court appoints a presiding election judge and an
8 alternate presiding judge, the county clerk shall provide to the
9 county chair of each political party that submitted names for
10 appointment the appointment list that includes each appointed
11 judge's name, residence precinct, appointment location, address,
12 and any available telephone number and e-mail address.

13 (b) The appointment list must be provided in writing.

14 SECTION 5. Section 32.114(e), Election Code, is amended to
15 read as follows:

16 (e) An election judge, early voting clerk, or deputy early
17 voting clerk in charge of an early voting polling place is entitled
18 to compensation for attending the training program at an hourly
19 rate fixed by the appropriate authority [~~not to exceed \$7~~].

20 SECTION 6. Section 85.009(b), Election Code, is amended to
21 read as follows:

22 (b) Before July of each year, the county chair of each
23 political party holding a primary election in the county shall
24 submit in writing to the county clerk a list of names of persons in
25 order of preference for each early voting polling place who are
26 eligible for selection as an election officer. The county chair
27 may supplement the list of names of persons until the 30th day

1 before early voting begins in case an appointed election officer
2 becomes unable to serve. The county clerk shall appoint the first
3 person meeting the applicable eligibility requirements from the
4 list submitted in compliance with this subsection by the party with
5 the highest number of votes in the county as the presiding judge
6 [~~election officer~~] of that polling place and the first person
7 meeting the applicable eligibility requirements from the list
8 submitted in compliance with this subsection by the party with the
9 second highest number of votes in the county as the alternate
10 presiding judge [~~election officer~~] of that polling place. The
11 county clerk shall appoint additional election officers for each
12 polling place in the manner described by Subsection (a). The
13 county clerk may reject the list if the persons whose names are
14 submitted on the list are determined not to meet the applicable
15 eligibility requirements.

16 SECTION 7. Subchapter A, Chapter 85, Election Code, is
17 amended by adding Section 85.0091 to read as follows:

18 Sec. 85.0091. EARLY VOTING ELECTION OFFICERS FOR PRIMARY
19 ELECTIONS. (a) The early voting clerk shall select election
20 officers for a primary election for the main early voting polling
21 place and any branch polling place in the manner that Section 85.009
22 provides for the county clerk to select officers from the
23 appropriate political party, except that the early voting clerk
24 shall prescribe the deadline by which county chairs must submit
25 names of persons eligible to serve as election officers.

26 (b) This section does not apply to a joint primary governed
27 by Section 172.126.

6-11-15

1 SECTION 8. Sections 32.006(b), 32.010, and 32.0511(d),
2 Election Code, are repealed.

3 SECTION 9. This Act takes effect September 1, 2015.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 28, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2381 by Reynolds (Relating to the appointment and duties of election officers.), As
Passed 2nd House

<p>No fiscal implication to the State is anticipated.</p>
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The bill would amend the Election Code to modify the appointment and duties of election officers. The bill would require a county clerk of a county to prepare a list of persons whose names were submitted by county chairs and who are eligible to serve as election judges. The commissioners court would be required to appoint the first person who meets the eligibility requirements from the list. The bill provides a process to appoint and fill a vacancy of an election judge. Under the provisions of the bill, a county chair of a political party would be required to appoint judges for each precinct and fill any vacancy that occurs in the position of presiding judge or alternate presiding judge. Under the provisions of the bill, the county clerk would be required to provide the county chair of each political party an appointment list that includes certain information. The bill would require an early voting clerk to select an election officer in the same manner as a county clerk selects officers from the appropriate political party except the early voting clerk would be required to prescribe a deadline by which the county chair must submit the names of eligible persons.

The bill would repeal Sections 32.006(b), 32.010, and 32.0511(d), Election Code.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, AG, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 22, 2015

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2381 by Reynolds (Relating to the appointment and duties of election officers.),
Committee Report 2nd House, Substituted

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The bill would repeal Sections 32.006(b), 32.010, and 32.0511(d), Election Code.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, AG, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2381 by Reynolds (Relating to the appointment and duties of election officers.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Election Code to modify the appointment and duties of election officers. The bill would require a county clerk of a county to prepare a list of persons whose names were submitted by county chairs and who are eligible to serve as election judges. The commissioners court would be required to appoint the first person who meets the eligibility requirements from the list. The bill provides a process to appoint and fill a vacancy of an election judge. Under the provisions of the bill, a county chair of a political party would be required to appoint judges for each precinct and fill any vacancy that occurs in the position of presiding judge or alternate presiding judge. Under the provisions of the bill, the county clerk would be required to provide the county chair of each political party an appointment list that includes certain information. The bill would require an early voting clerk to select an election officer in the same manner as a county clerk selects officers from the appropriate political party except the early voting clerk would be required to prescribe a deadline by which the county chair must submit the names of eligible persons.

The bill would repeal Sections 32.006(b), 32.010, and 32.0511(d), Election Code.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, AG, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 8, 2015

TO: Honorable Jodie Laubenberg, Chair, House Committee on Elections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2381 by Reynolds (Relating to the appointment and duties of election officers.),
Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

The bill would amend the Election Code to modify the appointment and duties of election officers. The bill would require a county clerk of a county to prepare a list of persons whose names were submitted by county chairs and who are eligible to serve as election judges. The commissioners court would be required to appoint the first person who meets the eligibility requirements from the list. The bill provides a process to appoint and fill a vacancy of an election judge. Under the provisions of the bill, a county chair of a political party would be required to appoint judges for each precinct and fill any vacancy that occurs in the position of presiding judge or alternate presiding judge. Under the provisions of the bill, the county clerk would be required to provide the county chair of each political party an appointment list that includes certain information. The bill would require an early voting clerk to select an election officer in the same manner as a county clerk selects officers from the appropriate political party except the early voting clerk would be required to prescribe a deadline by which the county chair must submit the names of eligible persons.

The bill would repeal Sections 32.006(b), 32.010, and 32.0511(d), Election Code.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, AG, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 26, 2015

TO: Honorable Jodie Laubenberg, Chair, House Committee on Elections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2381 by Reynolds (Relating to the appointment and duties of election officers.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Election Code to modify the appointment and duties of election officers. The bill would require a county clerk of a county to prepare a list of persons whose names were submitted by county chairs and who are eligible to serve as election judges. The commissioners court would be required to appoint the first person who meets the eligibility requirements from the list. Under the provisions of the bill, a county chair of a political party would be required to appoint judges for each precinct and fill any vacancy that occurs in the position of presiding judge or alternate presiding judge. The bill would require the county clerk to provide certain information to the county chair of a political party after the commissioners court appoints an election judge. The bill would require a person who appoints an election clerk to provide certain information to the county chair of each political party that submitted names for appointment. The bill would require an alternate presiding judge or clerk to be present during certain election activities to observe the activity and hear discussions between election workers. The bill modifies the method of an early voting clerk selecting election officers.

The bill would repeal Sections 32.006(b), 32.010, and 32.0511(d), Election Code.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, AG, SD, EK